



#16
PATENT
Attorney Docket No.: A-64236-3/RFT/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
HAMMERMAN, et al.)
)
Serial No.: 09/222,460)
)
Filed: 29 December 1998)
)
For: COMPOSITION AND METHOD)
FOR IMPROVING FUNCTION)
OF EMBRYONIC KIDNEY)
TRANSPLANTS)

Examiner: F. MOEZIE

Group: 1654

11-29-99
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CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on 16 November 1999.

Signed: Todd V. Leone

Todd V. Leone

RESPONSE TO RESTRICTION AND ELECTION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the Restriction Requirement (Paper No. 5) mailed September 16, 1999. A Petition for Extension of Time and An Appendix of Pending Claims accompanies this response.

In response to the outstanding Restriction Requirement in this application, Applicants elect for further prosecution the claims of Group I, namely Claims 1-11, and species IGF-I. The election is made with traverse.

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Applicants respectfully assert the restriction imposed by the Examiner is erroneous. Within the context of the claims and the restriction presently imposed, it would be difficult, if not impossible to obtain a claim as broad as claim 1 which is directed to the use of one or more "growth factors." Rather, since we have been forced to elect a species within the "genus" of "polypeptide growth factors", it is applicants understanding that this would be the broadest claim possibly allowable in the case due to the restriction imposed. If this is not the case and applicants can have the full genus for "growth factors" examined in this case via examination of the other types of "growth factors" of Groups II through Group V (after an indication of allowability of claims using the polypeptide growth factor), applicants will withdraw its objection.

The Commissioner is authorized to charge any additional fees, including any extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-64236-3/RFT).

Dated: November 16, 1999

Respectfully submitted,

FLEHR HOHBACH TEST
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